

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FLOYDELL LIVINGSTON,

Petitioner,

vs.

CHRIS KOSTER,

Respondent.

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Case No. 4:07-CV-552 (CEJ)

MEMORANDUM AND ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On January 26, 2010, Judge Blanton issued a Report and Recommendation, recommending that the petition of Floydell Livingston for writ of habeas corpus under 28 U.S.C. § 2254 be denied. Petitioner has not filed any objections to the Report and Recommendation and the time to for doing so has now elapsed.


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton [Doc. #19] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Floydell Livingston for writ of habeas corpus [Doc. #1] is denied.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

A separate judgment in accordance with this order will be entered this same date.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2010.